

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LAWRENCE MICHAEL DEMKO,  
vs.  
COMMISSIONER OF SOCIAL  
SECURITY,

Plaintiff,

Defendant.

CASE NO. 15cv906-LAB (BLM)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND ORDER OF  
DISMISSAL**

This social security appeal was referred to Magistrate Judge Barbara L. Major for a report and recommendation ("R & R"). Judge Major's R & R on the cross motions for summary judgment recommends that Plaintiff Lawrence Michael Demko's motion be denied and the Defendant Commissioner of Social Security's ("Commissioner") motion be granted. Objections to the R & R were due on February 26, 2016. No objections were filed.

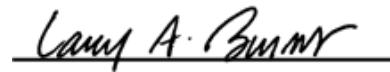
A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This section does not require some lesser review by the district court when no objections are filed. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district

1 judge must review the magistrate judge's findings and recommendations *de novo if objection*  
2 *is made, but not otherwise.*" *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir.  
3 2003). The Court has nonetheless reviewed the R & R and agrees with its rationale and  
4 conclusions.

5 Plaintiff's motion for summary judgment is **DENIED**, and Defendant's motion for  
6 summary judgment is **GRANTED**.

7 **IT IS SO ORDERED.**

8 DATED: March 16, 2016

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10 HONORABLE LARRY ALAN BURNS  
11 United States District Judge

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